

JAP:FTB  
F. #2017R00656

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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- against -

MICHAEL PERKO

Defendant.

AFFIDAVIT AND  
COMPLAINT IN  
SUPPORT OF AN  
ARREST WARRANT

(18 U.S.C. § 876(c))

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EASTERN DISTRICT OF NEW YORK, SS:

ARTHUR SACCO, being duly sworn, deposes and states that he is a Special Agent with the Federal Bureau of Investigation, duly appointed according to law and acting as such.

In or about and between January 2017 and April 2017, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant MICHAEL PERKO did knowingly deposit in any post office or authorized depository for mail matter, to be sent or delivered by the Postal Service, and did knowingly cause to be delivered by the Postal Service according to the direction thereon, a communication, with or without a name or designating mark subscribed thereto, addressed to another person and containing a threat to injure the person of the addressee or of another, to wit: an individual residing in the Eastern District of New York ("Victim-1").

(Title 18, United States Code, Section 876(c))

The source of your deponent's information and the grounds for his belief are as follows:<sup>1</sup>

1. I am a Special Agent with the Federal Bureau of Investigation ("FBI") and have been for approximately a year. I am familiar with the facts and circumstances set forth below from my participation in the investigation; my review of the investigative file, including the defendant's criminal history record; and from reports of other law enforcement officers involved in the investigation.

**Background with Victim-1**

2. The defendant MICHAEL PERKO and Victim-1 had been married with four children from 1995 until 2014 when she filed for divorce. I have spoken to Victim-1, who informed me that during that time period, the defendant was verbally abusive to her, had ongoing mental health issues to include several suicide attempts, and abused drugs. In June 2015, the defendant, MICHAEL PERKO, pleaded guilty in U.S. District Court for the Southern District of New York to one count of conspiracy to distribute and possess with the intent to distribute marijuana, in violation of 21 U.S.C. §§ 841 and 846. In October 2015, the defendant, MICHAEL PERKO, was sentenced to time served (approximately 16 months) and three-years supervised release.

3. On November 12, 2015 the defendant, MICHAEL PERKO, and Victim-1 were involved in a domestic violence incident during which the defendant allegedly choked Victim-1 and threatened her life. The defendant was subsequently arrested by the

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<sup>1</sup> Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

Suffolk County Police Department. The Suffolk County District Attorney's Office charged the defendant with Criminal Obstruction of Breathing or Blood Circulation, in violation of N.Y. PENAL LAW § 121.11. The defendant, MICHAEL PERKO, was ultimately acquitted of this charge following a three-day trial that commenced on March 23, 2016. On March 28, 2016, a judge in Suffolk County Family Court issued a Temporary Order of Protection that was to remain in effect until March 28, 2017 and that directed the defendant, MICHAEL PERKO, to, among other things, "[s]tay away from" Victim-1 and various other individuals and also to "[r]efrain from . . . stalking, harassment, . . . menacing, . . . intimidation, threats . . . or any other criminal offense" against Victim-1 and other named individuals.

4. The defendant was subsequently charged in U.S. District Court for the Southern District of New York with violating the conditions of his supervised release based on the alleged incident on November 12, 2015 and various other conduct. On June 9, 2016, the defendant pleaded guilty to three of the specified violations: (1) burning clothes, shoes, and purses belonging to Victim-1 on or about October 14, 2015; (2) slashing the tires of a trailer belonging to Victim-1's boyfriend on or about October 16, 2015; and (3) stealing a television from Victim-1 on or about October 30, 2015.

5. At a hearing on June 30, 2016, the defendant, MICHAEL PERKO, was sentenced to serve two years imprisonment for the violations of supervised release. At the hearing, the Court took note of, among other things, a series of letters that the defendant, MICHAEL PERKO, had sent to VICTIM-1 both directly and indirectly. With regard to the letters, the Court said at the hearing: "the context in which they were sent, at least from my perspective, are [sic] incredibly disturbing and meant, I believe, to threaten or to intimidate."

Following the hearing, the defendant began serving his two-year sentence and was initially incarcerated at the Federal Correctional Institution Schuylkill in Minersville, Pennsylvania. The defendant was later transferred and is presently incarcerated at the Allenwood Federal Correction Complex in White Deer, Pennsylvania.<sup>2</sup>

### **The Threatening Letters**

6. In or about January 2017, Victim-1's current boyfriend began receiving multiple threatening letters sent from the defendant. The letters contained explicit instructions that they were to be delivered by the boyfriend to Victim-1 and, as detailed below, featured intimidating language to include direct threats on both Victim-1 and her boyfriend. Between February 2, 2017 and March 20, 2015, Victim-1 received approximately 11 letters from the defendant through Victim-1's boyfriend. I have obtained copies of the letters and reviewed them.

7. The defendant had also written letters to Victim-1's mother and sister. I have reviewed these letters, which also contained intimidating and threatening language.

8. Victim-1 was able to determine that the letters came from the defendant because, among other things, he signed and addressed them personally, and Victim-1 recognizes the defendant's handwriting.

9. As noted above, I have reviewed the letters and observed that they purport to be sent from either the address Michael Perko, #48200-053, Federal Correctional Institution Schuylkill, P.O. Box 759, Minersville, PA 17954-0759, with a notation of "Mailed

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<sup>2</sup> Based on my review of the defendant's file, I understand that he is scheduled to be released at some point in the late summer or early fall of this year.

from Federal Correctional Institution, Schuylkill, PA,” or from Michael Perko, #48200-053, Federal Correction Complex-Allenwood, P.O. Box 2000, White Deer, PA 17887.

10. The letters that I have reviewed that were provided to me by Victim-1 between January, 2017 and April, 2017 contained such threatening statements as:

- i. “Everything I have underwent and endured these past sixteen months can be attributed to you [Victim-1’s boyfriend] and her. I will have to repay my thanks a thousandfold.”
- ii. “So once someone disrespects me it’s ON. My mind will not rest until I gain some type of Retribution.”
- iii. “Lucifer, ‘Please Prince of Air, Father of Lies put me in the same cage as him for Rec.’ ‘Do this for me so I can send you another soul!’ Two days later my prayers were answered. I just found out this past Monday that he was just released from the hospital. He has to shit in a bag and has a permanent limp and brain damage. I let him off easy, didn’t want to catch a new charge. Not while there are ones who I must see on the outside ☺.”
- iv. “We have her [Victim-1] to thank for my recent plunge into the Abyss. Make sure you tell her I intend to fulfill my promises. 130 days to go. Be sure to cherish each day. Like the saying goes live everyday like it’s your last.”
- v. “I’ve included a little poem written for him [Victim-1’s and the defendant’s son], hope he enjoys it. ‘DETRIMENTAL DADDY’: Your Daddy doesn’t Love you it’s Apparent from His Actions / Wonder what it feels like to be Dissected into Fractions / It all could have been avoided if he had some common sense / Which caused the beast to retaliate, Now Shit is Getting Tense / If it’s one thing you must learn and remember with all your Might / Never Disrespect a Madman he won’t be satisfied with just a fight / So give him a big hug because you never know that time / When the Reaper Comes to visit and I Hope you liked this Rhyme”
- vi. “There’s only 3 places for official Mother Fuckers like me...that’s the Penatentiary, Solitary and of course the Cemmetary. I’ve had the pleasure of the first two and look forward to the third, how bout you?”
- vii. “Do you know why, although I’m locked up I’m more free than most people on the outside. It’s because I have no FEAR! Killing, dieing [sic], or

spending the rest of my life in solitary or in the ADX is inconsequential to me.”

- viii. “Every night I revel in thoughts of different scenarios in which I’m going to make everything right. I pray to Satan, Lucifer, Rege, Pan, Bacchas, and Set for both of your demise. Now I lay me down to sleep. I pray to Satan my foe’s to weep. If they die before they wake, I pray to Satan their soul to take. My friend you really have no idea do you sad very sad.”
- ix. “Do you think Sylvia will be happy? Maybe she gets lonely sometimes. That will soon change.”<sup>3</sup>

WHEREFORE, your deponent respectfully requests that the defendant

MICHAEL PERKO, be dealt with according to law.

  
ARTHUR SACCO  
Special Agent  
Federal Bureau of Investigation

Sworn to before me this  
20th of June, 2017

  
THE HONORABLE MARILYN D. GO  
UNITED STATES MAGISTRATE JUDGE  
EASTERN DISTRICT OF NEW YORK

<sup>3</sup> From my investigation and discussions with Victim-1, I understand “Sylvia” to be a reference to Victim-1’s sister, who is deceased.